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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 Empower Retirement, LLC,  
12 Plaintiff,  
13 v.  
14 Joseph R. Diaz,  
15 Defendant.  
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No. 2: 22-cv-00489-KJM-CKD  
ORDER

17 On February 13, 2023, the magistrate judge filed findings and recommendations (ECF  
18 No. 23), which were served on the parties and which contained notice that any objections to the  
19 findings and recommendations were to be filed within seven (7) days. No objections were filed.

20 The court presumes that any findings of fact are correct. *See Orand v. United States*,  
21 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed  
22 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law  
23 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court  
24 . . ."). Having reviewed the file, the court finds the findings and recommendations to be  
25 supported by the record and by the proper analysis.

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Accordingly, IT IS HEREBY ORDERED:

1. The findings and recommendations (ECF No. 23) are ADOPTED IN FULL.
2. Plaintiff's motion for default judgment against defendant for unjust enrichment and conversion (ECF No. 13) is GRANTED.
3. Plaintiff is awarded final judgment in the amount of \$727,173.16, representing damages for conversion, plus
  - a. Pre-judgment interest from September 24, 2021, through entry of judgment at a rate of 7 percent per annum and based on a 365-day year (a daily rate of approximately \$139.46); and
  - b. Any post-judgment interest accruing after the entry of judgment in accordance with federal law.
4. This case is closed.

DATED: March 29, 2023.

  
CHIEF UNITED STATES DISTRICT JUDGE